BEFORE THE LOK ADALATH

ORGANISED BY THE KERALA HIGH COURT LEGAL SERVICES COMMITTEE

THE HONOURABLE MR. JUSTICE M.M.PAREED PILLAY(RETD.CHIEF JUSTICE)
&
THE HONOURABLE MR. JUSTICE M.R.HARIHARAN NAIR (RETD.JUDGE)

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Mat.Appeal.No. 14 of 2005()

OP.665/2001 of FAMILY COURT, ERNAKULAM
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APPELLANTS/RESPONDENTS
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1. T.J.JAMES, THAYYIL HOUSE,
PYARI JUNCTION, KOCHI-5.

2. REETHA, W/O.T.J.JAMES,
-DO-. -DO-

BY ADV. SRI.BABU S. NAIR
SRI.P.A.RAJESH

RESPONDENT/PETITIONER:

ANTONY JOSE, S/O.K.G.THOMAS,
KADAVIL HOUSE, KAZHUTHUMUTTU,
THOPPUMPADY, KOCHI-5.

BY ADV. SRI.DENIZEN KOMATH

THIS MATRIMONIAL APPEAL HAVING COME UP FOR DETERMINATION AT LOK ADALATH AND THE PARTIES HAVING SETTLED THE MATTER, THE FOLLOWING AWARD IS PASSED IN TERMS OF SETTLEMENT.

M.M.PAREED PILLAY (RETIRED CHIEF JUSTICE)
&
M.R.HARIHARAN NAIR (RETIRED JUDGE)

Mat.Appeal No.14 OF 2005

Dated this the 26th day of March, 2007

A W A R D

The parties have settled their differences out of court and agree for disposal of the appeal on the following terms:

1. The respondent agrees that the custody of the child shall be with the appellants (maternal grand parents) . This arrangement shall take effect forthwith.

2. The petitioners shall allow the respondent to take the child to his own house on every second Saturday and return her to the appellants on the next day. Handing over of the child to the father shall be at the St. Sebastian Church, Thoppumpadi at 9 a.m. on every second Saturday and the return of the child shall also be at the same church at 5.p.m. on the next Sunday.

3. The respondent will take particular care to ensure the health and welfare of the child during the days when she is in his custody and he shall not give room for any manner of complaint regarding ill treatment of the child.

4. The respondent will continue to pay the premium under the insurance policy taken in the name of the child as per

the existing orders without any default.

5. The respondent with the co-operation of the appellants will open an SB a/c in the post office of the choice of the 1st appellant and in the name of the child, with the 1st appellant as the guardian competent to operate the same. The respondent shall deposit Rs.500/- p.m in the said account starting from 1st April 2007. The 1st appellant shall be free to withdraw necessary amount and spend it for the child's education and maintenance.

6. If default is committed by the respondent in any of the above conditions, the benefit of having custody of the child as per condition 2 above shall stand forfeited.

7. The respondent shall be free to visit the child at the school where she is studying at any time with the permission of the school authorities and also at the residence of the appellants at any time on request. The appellants shall not create any hindrance to the visitation and other rights of the respondent as mentioned above. If any such violation is committed, the respondent shall be free to move the family court for appropriate orders.

8. The respondent shall be entitled for temporary

custody of the child for the first five days of Onam and Christmas holidays and for the first fifteen days of the mid summer vacation. Handing over of the child on such occasion shall also be at the premises of the church mentioned above.

This Matrimonial Appeal shall stand disposed of as above.

M.M.PAREED PILLAY
(RETIRED CHIEF JUSTICE)

M.R.HARIHARAN NAIR
(RETIRED JUDGE)

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